Legislation Details (With Text)

File #:	Res 1210-2008	**Version:**	*	**Name:**	Amending Resolution No. 538 (L.U. 197-A) adopted by the Council on September 27, 2006.
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Date	Ver.	Action By	Action	Result
1/30/2008	*	City Council	Introduced by Council	
1/30/2008	*	City Council	Referred to Comm by Council	
12/31/2009	*	City Council	Filed (End of Session)	

Res. No. 1210

Resolution amending Resolution No. 538 (L.U. 197-A) adopted by the Council on September 27, 2006.

By Council Members Avella and James

Whereas, On September 27, 2006 the Council adopted a Resolution authorizing the Department of Information Technology and Telecommunications to grant nonexclusive franchises for the construction, installation, use, operation and/or maintenance of cable, wire and/or optical fiber and associated equipment on, over and under the inalienable property of the City (including through pipes, conduits and similar improvements thereto) for provision of cable television services in the City; and

Whereas, Said Resolution enumerated twenty-one (21) clauses respecting terms and conditions to be included in any franchise agreement, to the extent permitted by law; and

Whereas, There has been a proliferation of vertically integrated cable operators; and

Whereas, Such systems can result in a virtual monopoly for the provision of service and the availability of programming; and

Whereas, it is in the public interest to make available independent cable channels; now, therefore, be it

Resolved, That Resolution No. 538 (L.U. 197-A) adopted by the Council on September 27, 2006. is amended to read as follows: ([Bracketed matter is deleted] <u>Underlined matter is new).</u>

H. Any franchise granted pursuant to this resolution shall be by written agreement and shall include, but

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not be limited to, terms and conditions consistent with the following to the extent permitted by law (and shall not include any provision by law from inclusion in such franchise agreement):

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(21) there shall be provisions requiring capacity and support for public, educational and governmental access[.]; and

(22) there shall be provisions requiring franchisees that own affiliated cable channels to negotiate fairly to determine the terms and conditions under which competing independent cable channels will be carried by the franchisee. In the event that agreement as to the terms and conditions cannot be reached, the Department of Information Technology and Telecommunications shall conduct an arbitration of the matter.

LS#4340
01-11-08
CJS

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